

Kathleen Banar, Chief Trial Attorney
(IL Bar No. 6200597)
Margaret Aisenbrey, Trial Attorney
(Mo Bar No. 59560)
Kim Bruno, Trial Attorney
(District of Columbia Bar No.: 389899)
U.S. Commodity Futures Trading
Commission
1155 21 St. NW
Washington, DC 20581
kbanar@cftc.gov, maisenbrey@cftc.gov
(202) 418-5335
(202) 418-5987 (facsimile)

Blaine T. Welsh (NV Bar No. 4790)
Assistant United States Attorney
United States Attorney's Office
333 Las Vegas Boulevard, Suite 5000
Las Vegas, Nevada 89101
blaine.welsh@usdoj.gov
(702) 388-6336
(702) 388-6787 (facsimile)

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**U.S. COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

v.

**BANC DE BINARY LTD., E.T. BINARY
OPTIONS LTD., BO SYSTEMS LTD., BDB
SERVICES LTD., and OREN SHABAT
LAURENT (a/k/a OREN SHABAT AND
OREN COHEN) .**

Defendants.

Case No. 2:13-cv-00992-MMD-VCF

**STIPULATION AND PROPOSED ORDER FURTHER EXTENDING STAY OF
ACTION PENDING PROPOSED SETTLEMENT**

WHEREAS, Plaintiff U.S. Commodity Futures Trading Commission (the “CFTC”) and Defendants Banc de Binary, Ltd. (“BdB Ltd.”), E.T. Binary Options, Ltd. (“ETBO”), BO Systems, Ltd. (“BO Systems”), BDB Services, Ltd. (“BDB Services”), and Oren Laurent (a/k/a Oren Shabat and Oren Cohen) (“Laurent”) (collectively, “Defendants”), have reported to the Court that they have reached a settlement in principle that would resolve this action and the action *SEC v. Banc de Binary Ltd et al.*, Case No. 2:13-cv-00993-RCJ-VCF (the “SEC Action”).

WHEREAS the parties to this action and the parties to the CFTC Action have executed a Term Sheet re: Proposed Global Settlement, dated August 27, 2015, reflecting the terms of their proposed agreement in principle (the “Proposed Global Settlement”);

WHEREAS, the Proposed Global Settlement is subject to approval by both the CFTC and the SEC Commissioners;

WHEREAS, the Court approved and ordered the requested stay, staying the action until October 23, 2015 unless a party filed a notice to lift that stay [DE # 161];

WHEREAS, the parties previously agreed to extend the stay, subject to Court approval, to continue the process of finalizing the settlement documents and obtaining Commission approval [DE # 162];

WHEREAS, the Court approved the parties’ stipulation, staying the action until December 31, 2015, unless a party filed a notice to lift that stay [DE # 163];

WHEREAS, because the parties have made substantial progress toward finalizing the governing documents for the Proposed Global Settlement, the parties have agreed to stay the action further, subject to the Court’s approval, for an additional six weeks, so that the parties can finish finalizing the settlement documents (including those needed for foreign jurisdictions), so counsel for the CFTC can recommend the settlement to the CFTC Commissioners, and so the parties can file, if approved by the CFTC Commissioners, any resulting final settlement papers; and

WHEREAS the parties to the SEC Action are simultaneously filing a similar proposed stipulation and order to stay the SEC Action, with the same duration;

WHEREAS, the Court entered an order on August 11, 2015 finding that Defendants violated the Consent Preliminary Injunction [DE # 24] and awarded attorney fees [DE # 152];

FOR THE REASONS SET FORTH ABOVE, IT IS HEREBY STIPULATED, by and among counsel for the parties as follows:

1. This action is stayed until February 8, 2016.
2. Before February 8, 2016, this stay shall be lifted without further action by the Court upon the filing of a notice by any party to lift the stay, at which point the litigation shall immediately resume on the date of that notice, with the parties restored to their respective positions as of the date of this stipulation. No party can challenge or dispute the filing of a notice to lift the stay by another party. To the extent the stay is lifted by such notice by a party, the Defendants' response to the CFTC's pending summary judgment motion [DE # 146] and the CFTC's petition for attorney fees shall be due four days after the notice is filed. Moreover, within five business days of the filing of a party's notice to lift the stay, the parties agree to jointly request a status conference with the Court to address the remaining pretrial and trial schedule.
3. If the CFTC Commissioners do not approve a settlement or a final settlement is not otherwise reached, with all definitive final documents filed with the Court, by February 8, 2016, then the litigation shall resume on that day, without further action of the Court, with the parties restored to their respective positions as of the date of this stipulation. The Defendants' response to the CFTC's pending summary judgment motion [DE # 146] shall be due February 8, 2016. Moreover, on or before February 12, 2016, the parties also agree to jointly request a status conference with the Court to address the remaining pretrial and trial schedule.

December 30, 2015

ATTORNEYS FOR PLAINTIFF
U.S. COMMODITY FUTURES TRADING
COMMISSION

By: /s/ Kathleen Banar

Kathleen Banar
(202) 418-5335
(202) 418-5987 facsimile
kbanar@cftc.gov
(Ill. Bar No. 6200597)

Margaret Aisenbrey
(816) 960-7749
(816) 960-7751 facsimile
maisenbrey@cftc.gov
(Mo. Bar No. 59560)

Kim G. Bruno
(202) 418-5368
(202) 418-5987 facsimile
kbruno@cftc.gov
(DC. Bar No. 389899)

U.S. Commodity Futures Trading
Commission
1155 21st Street NW
Washington, D.C. 20581

ATTORNEYS FOR DEFENDANTS BANC DE
BINARY LTD., ET BINARY OPTIONS LTD.,
BO SYSTEMS LTD., BDB SERVICES LTD.,
AND OREN SHABAT LAURENT (A/K/A OREN
SHABAT AND OREN COHEN)

By: /s/ Jeff Ifrah

A. Jeff Ifrah
jeff@ifrahlaw.com
Rachel Hirsch
rhirsch@ifrahlaw.com

IFRAH PLLC
1717 Pennsylvania Avenue
Suite 650
Washington, D.C. 20006
Telephone: 202-524-4140
Facsimile: 202-521-4141

Craig S. Denney
Snell & Wilmer L.L.P.
50 West Liberty Street, Suite 510
Reno, NV 89501
775-785-5440 (office)
775-785-5411 (direct)
775-785-5441 (fax)
cdenney@swlaw.com
(NV Bar No. 6953)

SO ORDERED:

December 30, 2015

DATE



THE HONORABLE MIRANDA DU
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2015, I electronically filed the *STIPULATION AND PROPOSED ORDER FURTHER EXTENDING STAY OF ACTION PENDING PROPOSED SETTLEMENT* with the Clerk of the Court using the CM/ECF system and thereby caused service of the foregoing document via electronic notice on all parties and counsel of record.

/s/ Margaret P. Aisenbrey
Attorney for the Plaintiff